

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Benny Lee Penninger Jr.,

Plaintiff,

vs.

Captain C. McElvogue; and
Sgt. R. Sanders

Defendants.

C/A No. 2:09-3288-RBH

O R D E R

Benny Lee Penninger Jr. ("Plaintiff"), while a pretrial detainee at the Hill Finklea Detention Center, and proceeding *pro se*, filed a complaint concerning prison conditions pursuant to 42 U.S.C. § 1983. The complaint was reviewed under the Prison Litigation Reform Act. By order dated January 29, 2010, Plaintiff was directed to clarify his claim by answering the court's special interrogatory. Docket Entry # 7. Plaintiff did not receive the order, because it was returned to the court as undeliverable mail. The envelope was stamped "return to sender" and a sticker also stated "refused, unable to forward." The word "gone" was also handwritten on the envelope. Docket Entry # 10. Plaintiff has not provided the court with a new address at which he receives mail, and the record indicates no attempt by Plaintiff to contact the court since filing the complaint on December 22, 2009. The case is dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure. *See Link v. Wabash Railroad Company*, 370 U.S. 626 (1962). The complaint is **dismissed without prejudice**.

IT IS SO ORDERED.

s/R. Bryan Harwell
R. Bryan Harwell
United States District Judge

February 17, 2010
Florence, South Carolina